

Title of meeting: Planning Policy and City Development Portfolio

Date of meeting: 13th August 2020

Subject: Scheme of Delegation for planning decision making

Report by: Ian Maguire, Assistant Director Planning & Economic Growth, Regeneration

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1. The purpose of this report is seek approvals to amendments to the Scheme of Delegation to ensure the Planning Committee time is utilised efficiently to deal with important, strategic or especially contentious applications as quickly as possible.

2. Recommendations

- 2.1 To approve amendments to the Scheme of Delegation to increase the scale threshold of applications that are reserved for Committee approval from 6 or more dwellings to 10 or more dwellings for a period of six months.

3. Background

- 3.1 To ensure the efficient operation of the Council the Constitution prescribes those decisions that, due to their significance or implications are reserved to Portfolio Holders, Committees or Full Council for determination and those decisions that are delegated to Officers to determine in accordance with the adopted guidance and policies of the Council.
- 3.2 This Scheme of Delegation includes those specific types of planning applications that are reserved for the determination of the Planning Committee and those that can, therefore be determined by Officers. In the past year (year ending December 2019), just over 96% of applications were determined under Delegated Authority.
- 3.3 Due to restrictions in accessing the Civic Offices, and other practical restrictions arising from 'lockdown' during 2020 a backlog of applications requiring Planning Committee consideration has built up. There are currently (as at end of July 2020) 23 cases requiring committee approval under the existing scheme of delegation. More cases are of course added to this list as new applications are

received and progress and representations and consultation responses are received.

4. Reasons for recommendations

- 4.1 It is in the public interest for the local planning authority to have effective delegation arrangements in place to ensure that decisions on planning applications that raise no significant planning issues are made quickly and that resources are appropriately concentrated on the applications of greatest significance to the local area. It can also be noted that research undertaken by the Local Government Association's Planning Advisory Service has shown that on average applications that are decided at planning committee costs an authority around 10 times more to resource than delegated decisions. The direct cost is of course mostly in Officer time as a significant amount of additional time is needed to support the Committee in their decision making.
- 4.2 As well as the cost and capacity saving to the authority there are advantages of ensuring the planning committees minimise their sitting time. The Planning Advisory Service again recommends that a maximum 2 hours sitting for the planning committee should be sought to ensure members can best engage with the decisions before them.
- 4.3 For these reasons it is important to ensure the Scheme of Delegation is bringing to the committee only those cases that require committee attention. The current Scheme includes eight grounds that will potentially reserve an application for committee consideration:
- Para 50. All applications required to be **referred to the Secretary of State** under the Town and Country Planning (Consultation) (England) Direction 2009;
 - Para 51. Any applications where any **Member so requests** to the Assistant Director of Planning and Economic Growth providing a written reason, within 28 days of the registration of the application;
 - Para 52. Any applications which are likely to have **significant implications** in the opinion of the Assistant Director of Planning and Economic Growth;
 - Para 53. Any applications which are recommended for approval and that seek planning permission for **1,000 square metres or more of new non-residential floor area or for six or more new dwellings**
 - Para 54. Any applications which are recommended for approval but on which an objection has been received from a **statutory consultee**, which has not been resolved by negotiation or through the imposition of conditions;
 - Para 55. Any applications submitted by, or on behalf of, a **Councillor** of the Authority (or their spouse/civil partner or a person with whom they are living as spouse/civil partner), or by any **member of the Council's staff** (or their

spouse/civil partner or a person with whom they are living as spouse/civil partner)

- Para 56. Any applications, except 'Householder applications', applications for advertisement consent, applications for works to TPO trees, applications in respect of trees in Conservation Areas or applications for minor non-residential alterations or extensions (industrial / commercial / leisure etc extensions, alterations and change of use resulting in less than (net) 250 sq. m of additional floorspace) **submitted by or on behalf of the Council** for its own developments or on land where the Council is the land owner; and
- Para 57. Any applications which are recommended for approval where **adverse representations** based on material planning considerations have been received and a request has been received to attend committee as a deputation, except in the case of applications for certificates of lawfulness or applications for Prior Notifications.

However the three grounds that most commonly warrant committee consideration are:

- Para 53. Which seeks to ensure schemes of larger scale are considered by the Committee
- Para 56. Which seems to ensure the Council's own applications are scrutinised in a transparent way, and
- Para 57. Which seeks to ensure applications that are significantly contentious are considered by Committee.

- 4.4 The grounds laid out in paragraph 56, which deals with the Council's own applications are considered appropriate as the consideration of development by, or on land of, the Council should be undertaken with the maximum transparency. This paragraph already includes a conditional element allowing smaller scale Council development to be considered under Officer delegation so no changes are considered appropriate to this part to streamline the committee's considerations.
- 4.5 Paragraph 57 is similarly considered appropriate to retain unaltered, as it deals with when the Committee will consider applications that have received adverse representations. Ensuring the elected members can consider the applications that are considered to be especially contentious is essential so not alterations are proposed to this section.
- 4.6 An amendment to Paragraph 53 however is considered appropriate. By amending the threshold whereby applications must come to committee from 6+ new dwellings to 10+ new dwellings this will reduce the number of outstanding items awaiting committee consideration by nearly 10%. It will also align the

threshold with the prescribed application description of a 'Major' application, making it easier for applicants to understand the determination process.

- 4.7 It must be noted that the different criteria and thresholds in this section of the Constitution work inclusively, so even applications less than 10 new dwellings, if the recommended changes are made, can still be considered by the planning committee if the criteria of another paragraph is engaged, such as a request by a Member of the Council to reserve the application for committee consideration.

5. Integrated impact assessment

- 5.1 An integrated impact assessment is not required as the recommendations do not directly impact on service or policy delivery. Any changes made arising from this report would be subject to investigation in their own right.

6. Legal implications

- 6.1 The Council's constitution describes the processes by which planning applications are considered. It is regularly reviewed to ensure it promotes efficiency and upholds the principles of good and transparent public decision making

7. Director of Finance's comments

- 7.1 There are no direct financial implications as a result of approving these recommendations. Whilst this will improve the efficiency of the planning process no cashable savings are likely to be realised.

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Signed by:

Appendices: None

Background list of documents: Portsmouth City Council Constitution Part 2 Section 5B
Delegation of Decision Making to Officers

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: